

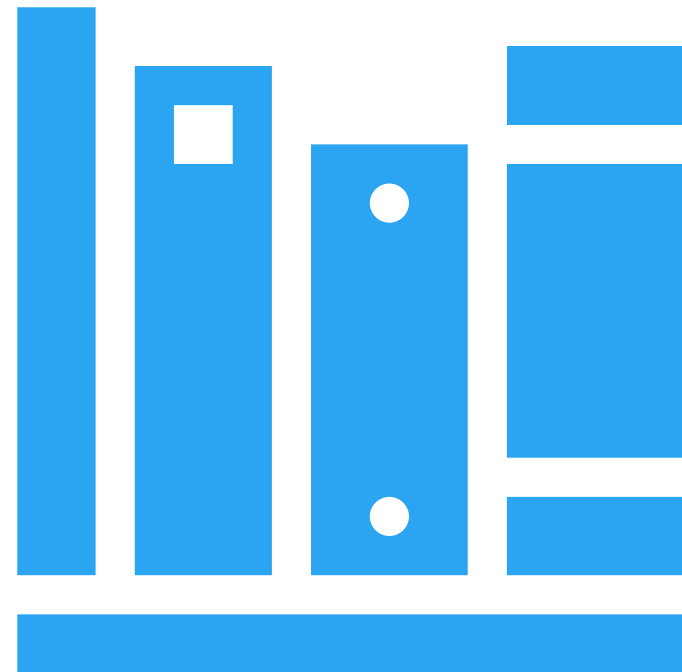
Overview of the initial legal assessment of Chapter 27 for the Western Balkan

UNEP – Western Balkans Team

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Vienna International Centre

This rapid assessment is addressing project Activity 6.2 – Legal and Institutional assessment

This activity focuses on developing the assessment of the status of Transposition of 6 Western Balkans economies with regards to the Aquis Communautaire and Chapter 27 to identify gaps and challenges based on key priority areas outlined in the report.



Main Sources of information, besides national and EU policies

REGIONAL LEVEL	Annual Implementation Report 2023 of the Energy Community Secretariat Green Agenda for the Western Balkans Action Plan - Implementation Report 2022
Albania	EU Commission Albania 2023 Report Chapter 27 Environment and Climate Change - Screening preparatory assessment report – Project: “Supporting Albanian Negotiations in Environment, Chapter 27 (Sane27)”
Bosnia and Herzegovina	EU Commission Bosnia and Herzegovina Report 2023 Environmental Protection Strategies 2022-2032
Kosovo*	EU Commission Kosovo Report 2023 Ministry of Environment, Spatial Planning and Infrastructure (MESPI) Assessment
Montenegro	EU Commission Montenegro Report 2023 Reports on the implementation of the Action Plan (March-August 2023, September 2023-February 2024)
North Macedonia	EU Commission North Macedonia Report 2023 National planning documents, direct consultation with MOEPP
Serbia	EU Commission Serbia Report 2023 Coalition 27 (2023) Chapter 27 in Serbia: A Green Agenda with no agenda Title of the original publication: Poglavlje 27 u Srbiji: „Zelena agenda bez agende”



THE EU ENVIRONMENTAL ACQUIS

The HL as a cross-cutting tool, to ensure the achievement of EU environmental policy objectives, it complements other Union instruments that aim to protect the environment



Key Environmental Challenges

- **Weak Implementation:** Despite high levels of EU legal transposition, the enforcement remains weak due to administrative capacity and financial limitations.
- **Transboundary Environmental Issues:** Problems like forest fires, shared water resources, and illegal waste disposal are not systematically addressed.
- **Poor Environmental Monitoring:** Data collection is insufficient, hindering policy-making. The INSPIRE directive, important for spatial data, is not fully implemented.
- **Air Pollution:** While monitoring has improved, measures to reduce pollution are ineffective across the region.
- **Waste Management:** Landfills dominate waste disposal, with poor recycling rates and insufficient infrastructure.



Horizontal Legislation

Gaps

Low Implementation Despite High Transposition:

While transposition of horizontal legislation is high, implementation remains weak due to lack of administrative capacity and financial support.

Poor Environmental Impact Assessments (EIAs):

EIAs and SEAs are often of low quality, lacking reliable data, and may legitimize non-compliant projects.

Weak Public Participation:

Limited public awareness and involvement in environmental decision-making.

Lack of Monitoring and Reporting Systems: Poor data quality and insufficient monitoring systems, especially regarding the INSPIRE directive.

Recommendations

Strengthen Implementation Capacity.

Enhance administrative and financial capacities to improve the enforcement of environmental policies.

Provide training on improving the quality of EIAs and SEAs.

Promote Public Participation:

Increase public involvement in decision-making processes by improving transparency and access to environmental information.

Develop Robust Monitoring and Reporting Systems:

Implement comprehensive environmental monitoring systems to ensure data accuracy and facilitate policy development.

Biodiversity

Gaps

Weak Legal and Institutional Frameworks

Limited progress in establishing biodiversity monitoring systems.

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Regional approach should be strengthened.

Challenges in Protected Areas (PAs)

Illegal logging, hunting, and hydropower projects continue to threaten biodiversity.

Inadequate management and monitoring of Protected Areas.

Inadequate Funding

Insufficient financial resources dedicated to biodiversity protection and implementation of related directives (Habitats and Birds).

Poor Transboundary Cooperation

Inefficient collaboration on cross-border biodiversity conservation efforts.

Recommendations

Strengthen Legal and Institutional Frameworks

- Prioritize the development of a comprehensive Biodiversity Strategic Plan and enforcement of biodiversity-related legislation.
- Enhance the administrative capacities of Protected Areas management.

Increase Funding and Resource Allocation

- Secure additional financial resources for biodiversity conservation efforts.
- Invest in sustainable tourism to provide long-term support for Protected Areas.

Foster Transboundary Collaboration

- Strengthen cross-border cooperation to manage shared ecosystems and resources.
- Implement joint monitoring initiatives for endangered species and habitats.

Climate

Gaps

Early Stages of Climate Adaptation and Mitigation:

The climate framework in the region is in the early stages of transposition and implementation.

Lack of Climate Data and Projections:

Weak integration of climate models into policy planning, especially for climate adaptation strategies.

Inadequate Infrastructure for Climate Resilience:

Insufficient investments in infrastructure to mitigate and adapt to climate impacts.

Low Public Awareness:

Public and institutional awareness of climate change risks and adaptation measures is limited.

Recommendations

Accelerate Transposition and Implementation:

Focus on the rapid alignment of climate legislation with EU standards.

Develop and enforce adaptation and mitigation strategies, including emissions reductions.

Strengthen Climate Data Systems

Integrate reliable climate models into policy planning, especially for transboundary Protected Areas.

Invest in data collection on climate indicators such as heat stress, drought, and soil moisture.

Build Climate-Resilient Infrastructure

Prioritize investments in sustainable infrastructure to enhance resilience against climate impacts.

Raise Public Awareness

Implement awareness campaigns on the risks and impacts of climate change, as well as mitigation measures.

Water

Gaps

Lack of comprehensive water management frameworks:
Inadequate monitoring and reporting systems:

Insufficient water monitoring networks and data collection mechanisms hinder the ability to manage water resources effectively.

Limited investment in infrastructure:
Significant need for investment in wastewater treatment facilities and the sewerage network.

Weak enforcement mechanisms
Enforcement remains weak due to a lack of administrative capacities

Transboundary water management challenges: Issues such as pollution control, joint water management, and coordination across borders are not adequately addressed[.]

Recommendations

Alignment with EU Water Directives:**

Further alignment of water management legislation with EU directives

Strengthening Monitoring Networks:

Expand and enhance water monitoring networks

Investment in Wastewater Infrastructure:

Prioritize the construction and maintenance of wastewater treatment facilities and sewerage systems.

Capacity Building and Enforcement:

Improve administrative capacities, particularly for water inspectors, to ensure that water legislation is enforced effectively.

Enhanced Transboundary Cooperation:

Develop regional agreements and mechanisms for managing shared water resources, including joint monitoring and pollution control initiatives.

KEY FOCUS AREAS

- ❖ Strengthen implementation capacities across biodiversity, horizontal legislation, and climate sectors.
- ❖ Promote cross-border collaboration and ensure sustainable resource management.
- ❖ Improve public participation and raise awareness of environmental protection and climate risks.



UNEP - Fifth Montevideo Programme (1)

- By its resolution 4/20 of 15 March 2019, the UN Environment Assembly adopted the **Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law for the decade 2020-2029**.
- Serving as the foundational framework for UNEP's environmental law initiatives and activities since 1982, the Montevideo Programme has significantly shaped the development and implementation of environmental law at national, regional, and international levels through its four previous iterations.
- The objectives of the Fifth Montevideo Programme include:
 - Development of legislation and legal frameworks
 - Strengthening implementation of environmental law
 - Enhanced capacity-building
 - Support to national Governments in the development and implementation of environmental rule of law
 - Promotion of the role of environmental law in the context of effective environmental governance.



Who we are ▾

Where we work ▾

What we do ▾

Publications & data



UNEP - Fifth Montevideo Programme (2)

An important aspect of the **Fifth Montevideo Programme** is that its implementation is designed to contribute to the environmental dimensions of the 2030 Agenda for Sustainable Development. Environmental rule of law is indispensable in the global effort to achieve the SDGs and other internationally agreed goals and targets such as the Paris Agreement's 1.5 degrees Celsius temperature goal and the Kunming-Montreal Global Biodiversity Framework's 2030 targets.

The **UNEP Law and Environment Assistance Platform (UNEP-LEAP)** provides a digital platform for the Montevideo Programme.

UNEP-LEAP consists of a technical assistance section, a knowledge hub, and a country profiles section.

It contains more than 200,000 documents, such as relevant legislation, jurisprudence, case-studies and best practices, legislative toolkits, guidance products and resources, and environmental news.

It is a useful tool for timely submission and processing of requests for technical assistance, and providing Member States with important information.

Member States **can directly request technical assistance support** from UNEP and its partners through the clearing-house mechanism under the Platform.

Thank you!!



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